

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

Robert Dew and Leonard Harding,)	
)	
Plaintiffs,)	
)	
v.)	No. <u>CIV-17-490-C</u>
)	
Mitchell Consulting Services Group,)	NOTICE OF REMOVAL
Inc., an Oklahoma for profit)	
corporation,)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that Mitchell Consulting Services Group, an Oklahoma for profit corporation (“MCSG”), Defendant in the above-entitled action, has removed this matter to the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

I. PROCEDURAL BACKGROUND.

1. Plaintiffs, ROBERT DEW and LEONARD HARDING, filed their Petition in the District Court of Oklahoma County, State of Oklahoma, against MCSG on April 6, 2017 in the case captioned CJ-2017-2004. A true and correct copy of the Petition is attached hereto and incorporated herein as Exhibit “A.”
2. Plaintiffs’ seek “...redress for Defendant’s violations of the Fair Labor Standards Act (“FLSA”) in connection with Plaintiffs’ employment.” (See Exhibit A, page 1)

3. MCSG was served with the Petition on April 11, 2017. A true and correct copy of the summons is attached hereto and incorporated herein as Exhibit “B.” A true and correct copy of the return of service is attached hereto and incorporated herein as Exhibit “C.”
4. True and correct copies of the Entries of Appearance for counsel representing Plaintiffs are attached hereto as Exhibit “D” and Exhibit “E”.
5. A true and correct copy of the complete docket for case captioned CJ-2017-2004 before the District Court of Oklahoma County, State of Oklahoma is attached hereto as Exhibit “F.”
6. Plaintiffs are seeking a judgment in excess of \$75,000. (See Exhibit A, page 9)

II. REMOVAL IS PROPER BECAUSE THIS MATTER CONCERNS ONLY FEDERAL CAUSES OF ACTION.

7. Removal is timely pursuant to 28 U.S.C. § 1446(b)(1) because this Notice of Removal is being filed within thirty (30) days of service of the Petition upon MCSG.
8. There are no other defendants in this action.
9. Because Plaintiffs filed this case in the District Court of Oklahoma County, State of Oklahoma, it may properly be removed pursuant to 28 U.S.C. § 1441(a) to the United States District Court for the Western District of Oklahoma.
10. Plaintiffs seek damages related to alleged violations of the FLSA. Plaintiffs have only pleaded causes of action related to the FLSA, a federal statute.

11. As Plaintiffs have pleaded no state causes of action, the subject matter of this matter is a federal question, and therefore the United States District Court for the Western District of Oklahoma has jurisdiction over the issues alleged pursuant to 28 U.S.C. § 1331.

WHEREFORE, the above-titled action is hereby removed to this Court.

Dated this 27th day of April, 2017.

/s/ J. Scott Henderson
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of April, 2017, a true and correct copy of the foregoing instrument was sent via United States Postal Service first class mail, postage paid, to the following counsel of record:

Chris Hammons
D. Colby Addison
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/s/ J. Scott Henderson
J. SCOTT HENDERSON